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Many courts have abandoned the "duty to retreat" doctrine, so the question of when there is a duty to retreat arises only in those jurisdictions which still retain this common law doctrine. The court in the principal case takes the view that because the law of retreat in self-defense has no application where one is on his own premises it does not apply to a club member when attacked by another in the club rooms. The rule is practically universal that when a person is attacked in his own dwelling he is not required to retreat, upon the theory that a man's home is his castle and that he has a right to protect it and those within it from intrusion and attack. *Jones v. State,* 76 Ala. 8; *People v. Newcomer,* 118 Cal. 263; *State v. Patterson,* 45 Vt. 308; 21 CYC. 823. While the courts are agreed upon the general rule, there has been some difference of authority respecting the extent of premises that may be defended without retreat. *Lee v. State,* 92 Ala. 15; *Babe Beard v. U. S.,* 158 U. S. 550; *State v. Brooks,* 79 S. C. 144. It has been held that one has the same right to defend his place of business against intrusion as he has to defend his dwelling. *Foster v. Territory,* 6 Ariz. 240; *Tingle v. Com.* (Ky.), 11 S. W. 812; *Bean v. State,* 25 Tex. App. 346. So it has been held that a room rented and occupied as a bedroom is a dwelling-house within this rule. *Harris v. State,* 96 Ala. 24. But this seems to be as far as the courts have gone, and therefore the court in the principal case took a very long step in extending the rule to club rooms. The decision can be justified under the doctrine laid down in *Runyan v. State,* 57 Ind. 80, that "when a person, being without fault and in a place where he has a right to be, is violently assaulted, he may, without retreating, repel force by force, and if, in the reasonable exercise of the right of self-defense, his assailant is killed, he is justifiable." *Miller v. State,* 74 Ind. 1; *State v. Carter,* 15 Wash. 121; see also *Ford's Case,* Kelyng C. C. 51. About all that can be said of the American cases in general is that, while the common law view is still regarded as orthodox, "The tendency of the American mind seems very strongly against the enforcement of any rule which requires a person to flee when assailed." 11 MICH. L. REV. 254. See also 29 HARV. L. REV. 544.

DESCENT AND DISTRIBUTION—RELEASE OF EXPECTANT ESTATE BY ONLY CHILD AND SOLE HEIR.—A daughter executed an instrument acknowledging receipt of a sum of money from her father as an advancement in full of her share in his estate. The father died intestate leaving no wife or other children. *Held,* the daughter is entitled to the estate as against the claim of intestate's brothers and sisters. *Pylant v. Burns* (Ga., 1922), 112 S. E. 455.

Such a release is generally held to bar the heir. *Felton v. Brown,* 102 Ark. 658; *In re Simon's Estate,* 158 Mich. 256; *Hickey v. Davidson,* 129 Iowa 384; *Simpson v. Simpson,* 114 Ill. 603. The instant case expressly approves this rule, but refuses to apply it where the result is to disinherit an heir in favor of more remote heirs and distributees. The decision rests upon two grounds. One is the wording of the Georgia statute; the other is the conclusion of the court that disherison of a sole heir would be an unreasonable construction of the release. The doctrine of advancements is justifiable mainly as a means of securing equality between children, and the court is

to be commended in not applying it as a hard and fast rule where the reason for the doctrine has failed.

EVIDENCE—GENERAL PRACTICING PHYSICIAN NOT COMPETENT AS AN EXPERT WITNESS ON INSANITY.—A physician, regularly educated as such, who testified that though he had a fair knowledge of insanity as a practitioner he did not profess to be an alienist, was by the trial court held competent as an expert witness on insanity. The court of review *held* this ruling to be error because examination did not show witness's knowledge or experience with insane cases. *State v. Doiron* (La.), 90 So. 920.

The opinion contains no discussion on principle and cites no authority in its support. In a great many jurisdictions the rule prevails that it is within the discretionary power of the trial judge to decide whether or not a witness is qualified to give an expert opinion and that such decision cannot be reviewed by an appellate court except in extreme cases. *City of Fort Wayne v. Coombs,* 107 Ind. 75; *Wright v. Williams Estate,* 47 Vt. 222; *Delaware & C. Steamboat Towboat Co. v. Starrs,* 69 Pa. 36; *Davis v. State,* 44 Fla. 32. "Such decision is so conclusive that it could not be reviewed unless there was an apparent error of law," is the expression of the court in *Perkins v. Stickney,* 132 Mass. 217. *Dole v. Johnson,* 50 N. H. 452, distinguishes between the necessary qualifications of an expert, which are reviewable by an appellate court, and the qualifications of the particular witness, which are not subject to review except as above stated. The ruling in the principal case would seem to be in conflict with the general trend of authority unless the trial judge's decision was founded on an apparent error in law. Thomas, J., in *Baxter v. Abbott,* 7 Gray (Mass.) 71, expresses what is the prevailing rule in most jurisdictions, "Every physician is an expert on insanity, though little weight is given to his opinion unless he shows special study or experience." (See BISHOP, CRIMINAL PROCEDURE, 544. Though the opinion of a mere medical graduate is given little consideration in most jurisdictions, when the study and experience of an average physician during the course of his practice is added the opinion is given greater weight. *White v. McPherson,* 183 Mass. 533; *Lowe v. State,* 118 Wis. 641; *Davis v. State,* 35 Ind. 496; *In re Dolbeer's Estate,* 149 Cal. 227. Where a physician of general practice, with the average experience in insane cases, has actually had an opportunity to observe the person whose sanity is in question, he is held competent as an expert in most jurisdictions. *Holland v. State* (Tex.), 192 S. W. 1070; *Porter v. State,* 140 Ala. 87; *In re Whiting,* 110 Me. 232. *Bishop v. Commonwealth,* 109 Ky. 558, held that where it was not shown that a physician had ever seen an insane person he was not competent as an expert on insanity, and appears to support the principal case. However, in that case the ruling on the necessary qualifications for an expert was unnecessary for the decision, which had to do with the admissibility of expert opinion. The Louisiana court appears to go contrary to the general trend of authorities both in ruling that a practicing physician is not competent as an expert on insanity and also in disturbing